



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



Arthur and Nancy Hebert  
50 Old Manchester Rd  
Amherst, NH 03031

**LETTER OF DEFICIENCY**

**#SP-2003-01**

March 4, 2003

RE DES Wetlands File #2003-00272 Eva Ln, Stoddard

Dear Mr. and Mrs. Hebert:

On February 5, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Stoddard Tax Map 121, Lot 21.4, Eva Lane, Stoddard, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act ("CSPA"), RSA 482-A, RSA 485-A:17 and the applicable rules promulgated pursuant thereto. During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and groundcovers was not left in place.
2. Erosion control measures were not in place
3. The area of tree-cutting was calculated to be greater than 50,000 square feet. If a contiguous area of more than 50,000 square feet, whether wholly or partially within protected shoreland is to be disturbed, a permit is required pursuant to RSA 485-A:17.

The Comprehensive Shoreland Protection Act ("CSPA") regulates the amount of trees and other vegetation that can be cut within 150 feet of the reference line of public waters of the state. Tree-cutting for the purposes of building is allowed provided that the area cleared is limited to the "building envelope". During the inspection it was determined that an area where trees were cut, measuring approximately 50 feet by 75 feet, fell within the regulated zone. If this area is not intended to be used as "building envelope", you may be required by DES to replace saplings in this area.

Trees had been cut in an area measuring approximately 600 feet in length by approximately 175 feet in width, without erosion control measures in place. At the time of the inspection, the ground was generally frozen and further stabilized by a heavy snow cover. It was not possible to determine the degree of disturbance to the ground surface. The land slopes at approximately a 15% grade down to Highland Lake. Although the soils were temporarily stabilized by the weather conditions, it was evident that appropriate erosion control measures will be necessary once the snow melts and the ground thaws.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit the following information to DES:
  - a. A detailed description of the proposed means of erosion and sediment controls and stabilization of the disturbed area, including a timeframe by which they will be installed.
  - b. A detailed explanation as to why the trees were cut, including intended plans for the property.
  - c. A determination as to whether a permit will be required pursuant to RSA 485-A:17.
  - d. If you are not intending to build on the property, please submit a plan outlining the replacement of saplings in the area where trees were cut within 150 feet of Highland Lake. The planting plan should indicate the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas where trees were removed; or
  - e. If you are intending to build on the property, please submit:
    - i. A copy of the building permit issued by the Town of Stoddard; and
    - ii. A copy of your proposed site plan.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.


DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

  
**COPY**  
Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL 7002 2030 0004 0813 4804

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Enforcement Attorney  
Ridge Mauck, DES Site Specific Program  
Stoddard Conservation Commission  
Stoddard Board of Selectmen  
David Killoy, USACOE  
Thomas Hanna, Attorney at Law  
Greg Hebert – Coldwell Banker